

(7) Import

The term “import” means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(8) Indian tribe

The term “Indian tribe” has the meaning given the term in section 450b of title 25.

(9) Interstate commerce

The term “interstate commerce” means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or

(B) within the District of Columbia or any territory or possession of the United States.

(10) Livestock

The term “livestock” means all farm-raised animals.

(11) Means of conveyance

The term “means of conveyance” means any personal property used for or intended for use for the movement of any other personal property.

(12) Move

The term “move” means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive in order to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in this paragraph.

(13) Pest

The term “pest” means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:

(A) A protozoan.

(B) A plant.

(C) A bacteria.

(D) A fungus.

(E) A virus or viroid.

(F) An infectious agent or other pathogen.

(G) An arthropod.

(H) A parasite.

(I) A prion.

(J) A vector.

(K) Any organism similar to or allied with any of the organisms described in this paragraph.

(14) Secretary

The term “Secretary” means the Secretary of Agriculture.

(15) State

The term “State” means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(16) This chapter

Except when used in this section, the term “this chapter” includes any regulation or order issued by the Secretary under the authority of this chapter.

(17) United States

The term “United States” means all of the States.

(Pub. L. 107-171, title X, § 10403, May 13, 2002, 116 Stat. 494.)

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 8303. Restriction on importation or entry**(a) In general**

With notice to the Secretary of the Treasury and public notice as soon as practicable, the Secretary may prohibit or restrict—

(1) the importation or entry of any animal, article, or means of conveyance, or use of any means of conveyance or facility, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(2) the further movement of any animal that has strayed into the United States if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock; and

(3) the use of any means of conveyance in connection with the importation or entry of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement of livestock.

(b) Regulations**(1) Restrictions on import and entry**

The Secretary may issue such orders and promulgate such regulations as are necessary to carry out subsection (a) of this section.

(2) Post importation quarantine

The Secretary may promulgate regulations requiring that any animal imported or entered be raised or handled under post-importation quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the animal is or may be affected by any pest or disease of livestock.

(c) Destruction or removal**(1) In general**

The Secretary may order the destruction or removal from the United States of—

(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary

determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(B) any animal or progeny of any animal, article, or means of conveyance that has been imported or entered in violation of this chapter; or

(C) any animal that has strayed into the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.

(2) Requirements of owners

(A) Orders to disinfect

The Secretary may require the disinfection of—

- (i) a means of conveyance used in connection with the importation of an animal;
- (ii) an individual involved in the importation of an animal and personal articles of the individual; and
- (iii) any article used in the importation of an animal.

(B) Failure to comply with orders

If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

- (i) take remedial action, destroy, or remove from the United States the animal or progeny of any animal, article, or means of conveyance as authorized under paragraph (1); and
- (ii) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action, destruction, or removal.

(Pub. L. 107–171, title X, § 10404, May 13, 2002, 116 Stat. 496.)

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 8304. Exportation

(a) In general

The Secretary may prohibit or restrict—

- (1) the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock;
- (2) the exportation of any livestock if the Secretary determines that the livestock is unfit to be moved;
- (3) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is

necessary to prevent the dissemination from or within the United States of any pest or disease of livestock; or

(4) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

(b) Requirements of owners

(1) Orders to disinfect

The Secretary may require the disinfection of—

- (A) a means of conveyance used in connection with the exportation of an animal;
- (B) an individual involved in the exportation of an animal and personal articles of the individual; and
- (C) any article used in the exportation of an animal.

(2) Failure to comply with orders

If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

- (A) take remedial action with respect to the animal, article, or means of conveyance referred to in paragraph (1); and
- (B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action.

(c) Certification

The Secretary may certify the classification, quality, quantity, condition, processing, handling, or storage of any animal or article intended for export.

(d) Authorization of appropriations

(1) In general

There is authorized to be appropriated—

- (A) \$1,500,000 for each of fiscal years 2008 through 2012 to carry out section 11010 of the Food, Conservation, and Energy Act of 2008; and
- (B) such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

(2) Availability

Funds appropriated under paragraph (1) shall remain available until expended.

(Pub. L. 107–171, title X, § 10405, May 13, 2002, 116 Stat. 497; Pub. L. 110–234, title XI, § 11010(c), May 22, 2008, 122 Stat. 1360; Pub. L. 110–246, § 4(a), title XI, § 11010(c), June 18, 2008, 122 Stat. 1664, 2121.)

REFERENCES IN TEXT

Section 11010 of the Food, Conservation, and Energy Act of 2008, referred to in subsec. (d)(1)(A), is section 11010 of Pub. L. 110–246, which amended this section and enacted provisions set out as a note below.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.